

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DAMEN D. RABB,

Plaintiff,

v.

CABRERA, *et al.*,

Defendants.

Case No. 1:23-cv-01014-ADA-BAM (PC)

ORDER DENYING PLAINTIFF’S MOTION
FOR SERVICE AS PREMATURE

(ECF No. 19)

Plaintiff Damen D. Rabb (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

On August 29, 2023, the Court screened the first amended complaint and issued findings and recommendations regarding dismissal of certain claims and defendants. (ECF No. 12.)

Plaintiff was permitted fourteen days to file any objections to the findings and recommendations. (*Id.*) Plaintiff filed objections on September 15, 2023, and the findings and recommendations and Plaintiff’s objections are pending before the assigned District Judge.

Currently before the Court is Plaintiff’s motion for service, filed November 14, 2023. (ECF No. 19.) Plaintiff requests that the Court provide him with the relevant order and information required to serve the defendants in this action. (*Id.*)

Plaintiff’s request is premature. While the undersigned has recommended that this action proceed on the cognizable claims stated in Plaintiff’s first amended complaint, those findings and

1 recommendations have not yet been adopted by the District Judge. If the findings and
2 recommendations are adopted, the Court will then order service on the appropriate defendants
3 pursuant to the Court's E-Service program. Plaintiff does not need to request service.

4 Accordingly, Plaintiff's motion for service, (ECF No. 19), is HEREBY DENIED as
5 premature.

6
7 IT IS SO ORDERED.

8 Dated: November 16, 2023

/s/ Barbara A. McAuliffe
9 UNITED STATES MAGISTRATE JUDGE